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Manchester and Leeds Railway Company.
Accidents on railways.



1840
No. 2.

ACCIDENTS ON RAILWAYS

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PUBLISHED BY ORDER OF THE

BOARD OF DIRECTORS

OF THE

MANCHESTER AND LEEDS RAILWAY COMPANY

FOR

DISTRIBUTION AMONGST THE COMPANY'S SERVANTS.

NOVEMBER, 1840.

MANCHESTER:

BURGESS & CO., PRINTERS, MARKET-STREET.

TO ALL PERSONS
EMPLOYED IN THE SERVICE OF THE
MANCHESTER AND LEEDS RAILWAY COMPANY.

In consequence of the number of accidents which have taken place on railways recently opened—in many cases through the unavoidable inexperience of the persons employed—the Directors of the Manchester and Leeds Railway Company with the view of affording their servants the means of acquiring most rapidly a knowledge of their duties, as well as of apprising them of the *frightful consequences* to themselves and the public from inattention to the rules and regulations prescribed by the Board for their observance, have determined to print and distribute for their perusal and information reports of all judicial inquiries arising out of accidents on railways caused by the negligence or disobedience of the persons employed. As the information thus furnished must tend to prevent accidents, if properly regarded, so it will increase the responsibility of those through whose negligence or ignorance accidents occur, should they neglect to make use of it.

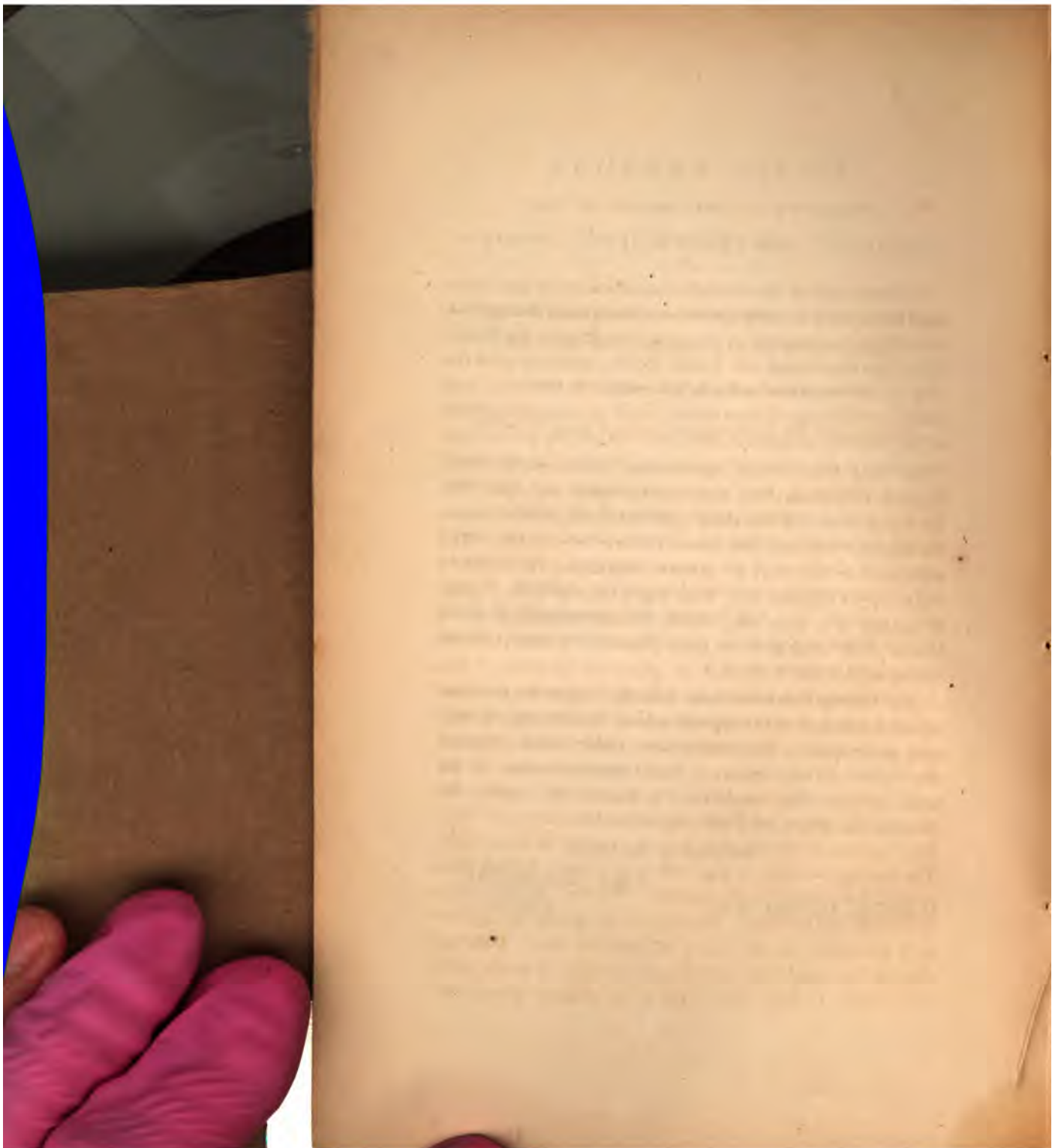
The Directors therefore most earnestly request the attention of every person in the Company's service to these reports, and most particularly to the circumstances under which accidents are reported to have arisen; to their immediate causes; to the means by which they might have been prevented; and to the consequences which befall the culpable parties.

By order of the Board,

JOHN JELLICORSE,

Manchester, Nov. 30th, 1840.

SECRETARY.



ACCIDENT ON THE YORK AND NORTH MIDLAND RAILWAY.

LOSS OF TWO LIVES—NEGLECT OF SIGNALS.

(*From the London Standard, November 17th, 1840.*)

Extracts from the Evidence given on the Coroner's Inquest.

Mr. John West, of Leek, Staffordshire, commercial traveller, deposed—I was travelling from Leeds to Selby, last night. We left Leeds at six. When about eight miles from Selby I was in the first-class carriage, which was the last in the train. The train was not then moving. After we had stayed a few minutes I saw a light following us. That was a luggage train. I saw it coming at a great rate, within a short distance of us. I should think *about 50 or 60 yards from us. I saw they were coming so fast that I expected we should all be killed.* I was sitting with my face towards the train that was coming. I put up my hands against the opposite side of the carriage. I felt a very severe shock. The muscles of my right arm are so injured that I can't get my arm up. Three other men were in the same carriage with me—viz., Mr. Knight, of Leeds; Mr. Greenwood, draper, of Hull; and a Mr. Holderness, of Hull. Mr. Greenwood was the most hurt, but none of us dangerously. The carriage we were in was broken to pieces. I think there is not a joint whole in the carriage. We were in the centre division of the carriage. *According to my opinion the luggage-train was coming at the rate of 20 miles an hour.* I did not observe a coloured light behind our carriages. I should say it was possible to have *seen a light at the distance of one mile,*

although the night was foggy. I observed a light coming before I heard the engine approaching. When I first saw the light it might be 400 or 500 yards distance from us. I did not hear the whistle of that engine coming up.

David Sanderson, of York, engine-driver, deposed, I was employed by the York and North Midland Railway Company till last Tuesday, when I left their employment. I was standing at the Junction, called Taylor's Junction, when the Leeds train came up last night before seven o'clock. They stood there about three minutes taking out the passengers' luggage that had to go to Selby. I heard an alarm given by the guard of the Leeds passenger train, or by a policeman, (I don't know which), that another train was approaching. Thomas Steel was the engine-driver of the engine bringing the train from Taylor's Junction to Selby. He moved his engine for fear any accident might happen to his train. This was before any accident happened, but the approaching engine was then in sight. So soon as Steel had got his engine and train moved I heard the crash. Steel stopped his engine, and he and I went up to the place where the clash was. *The first I saw was the deceased. She was laid upon the bank side. There was a deal of blood about her. Her shawl was all covered with blood.* We went to the other side of the carriages, and *there was a man laid dead.* Several of the passengers, some three or four, were lying on the bank side that were hurt. There was a luggage train coming from Leeds, following the passengers' train, that Reynolds was the guard of. *Watkins* is the name of the man who was the driver of the engine bringing the *luggage train.* *It was the luggage train that ran against the passengers' train, which caused the accident.* There are two first-class carriages broken; they are broken very much. The parts where the passengers sit in the carriages are much broken. The deceased was in a third-class carriage when the accident happened. The luggage train was about 100 yards distant when I heard the first alarm given that another train was coming. I could not hear the approaching engine beat by reason of the noise made

by the other engines standing at Taylor's Junction. *A light can always be seen from the ash-pan for a mile distant ; by reason of the curve in the road at that place the approaching engine could not be seen more than 200 yards distant. I observed clearly that the approaching engine of the luggage train had slackened its speed ; it might then be distant about 40 yards from the passengers' train. There is no regulation on this road that I know of as to the speed at which passengers' or luggage trains are to travel. The engine and part of the carriages were separated from the broken carriages when I first went to them, but whether they had broken loose or not I cannot say. I don't know that the luggage train had a light in front of it. I did not see one. If the passengers' train had had a red light behind, the driver of the engine of the luggage-train might have seen it for 200 yards. If the luggage-train was coming at its regular rate, and with the same number of carriages it had, the engine-driver could have stopped the luggage-train dead in 200 yards. I think if a red light had been shown the accident would not have happened. I saw the engine-driver of the luggage-train after the accident. He was quite sober. I never saw him drink a glass of ale in my life.*

The inquest was here adjourned to Tuesday next, at ten o'clock in the forenoon.

Mr. W. Sayner—I am clerk to the York and North Midland Railway Company. On Wednesday night I was at Taylor's Junction, when the six o'clock train arrived from Leeds. I cannot say how long the passengers' train remained at the junction before the luggage train arrived, but it was some minutes. They did not remain longer than usual, I think. They generally stay 10 or 15 minutes. I cannot say there were any signal lights up. I did not see any whilst the Leeds train stayed there. *John Baines and Charles Till are the persons who have to exhibit and rectify those lights.* These men were at their posts on that night. John Watkins, jun., was the engine-driver

of the passengers' train on that night. A man named William Reynolds was the guard of that train. *John Watkins, sen.*, was the engine-driver of the luggage train. I saw it coming at the distance of 700 yards *by the light coming from the ash-pan*. I observed the luggage train slacken its speed when about 150 or 200 yards from the passengers' train. I then saw they were making every possible effort to stop the engine, which they had reversed. I heard the crash made. I cannot say the speed at which the luggage train was coming. It forced the passengers' train some distance forward on the line, but whether 10 or 50 yards, I cannot say. It broke some of the carriages—perhaps two or three. The passengers' train consisted of the three different classes of carriages. I saw the corpse of the deceased. I saw him first lying on the way. He was then quite dead. I saw him removed from the line. The engine-driver of the luggage train got off the engine, but how I don't know. I saw an elderly female very much hurt, and other two or three persons seriously injured. I heard the whistle from the engine of the approaching train. There were three or four engines waiting at the junction, from which the steam was being let off. None of the standing engines were whistling. The noise of the standing engines might have prevented the engine-driver from hearing the whistle.

Mr. William Bownas.—I am employed by the York and North Midland Railway Company to book passengers at Burton Salmond. I am also a policeman on the line. On Wednesday night I was at Burton station when the Leeds train came past; it arrived at Burton station at 20 minutes before seven. It stayed there a minute or two. *I cannot swear there was a red lamp attached to the passengers' train, and I cannot swear there was not. It is the general practice to have a red lamp behind every night train, and it is my duty to see that all is safe and proper. But I do not know that there was a light.*

By Mr. Richardson.—If I apprehend there is any danger by one train following the other very closely, I have an order directing me to exhibit *a green light, which denotes caution*. I

did not show on Wednesday night a green light to Watkins, who was with the luggage train; I exhibited to him the red light. I did so because it was drawing near the time for the passengers' train from London. Upon exhibiting the red light, the luggage train driver stopped his train as near as possible. On this I said, "Go on, take time." Watkins I think made no reply. Some one on the train said, "There will be another luggage train in about half an hour."

By the Foreman—*Watkins went off at the usual speed.*

By the Coroner—*Burton Salmond station is about a mile and three-quarters from Taylor's Junction.*

The following witnesses were then called by the company's solicitors:—

Henry Woodroffe stated—I am employed at the station at Leeds. My duty is to attend to the lamps. I recollect the six o'clock train on Wednesday night. I affixed a red lamp to the end of that train, and exercised the ordinary care and caution in doing so. I saw the train start off, and the light was then burning. I never knew an instance of a lamp falling off, or of a light having gone out.

Mr. Timothy Glennan—I am station-master at the York and North Midland station. It is an essential part of my duty to see that the evening trains departing have lights affixed to the last carriage. I recollect the passenger train for York and Hull leaving Leeds on Wednesday evening, at six o'clock. There were two red lights attached—one for the York and the other for the Hull train. Those lights were affixed in the usual careful manner. One of the two was on the roof of the carriage, which the guard was to fix at the end of the York train when the trains separated at the junction, the Hull train being the last carriages that left the Leeds depôt. When the trains left the light was burning.

Mr. Francis Clark, station-master at Castleford, deposed to the lights being burning in the rear of the passengers' train when it passed his station. He also produced the instructions given upon that subject by the company.

William Reynolds.—I am a railway-guard between Leeds and York. I left the station at Leeds by the six o'clock train on Wednesday night. It is part of my duty to see that the lights are fixed and burning properly. *The red light was attached as usual when we left Leeds.* It would be four or five minutes past six when we left the station. We proceeded at the usual speed from the depôt to Taylor's Junction. No time was lost on the road. I recollect a luggage train following up to the Junction. I did not observe it while we were on the way. We had been there three or four minutes (not longer) when the luggage train came up. At the time I was taking the signal lamp from the roof to place at the end of the York train. I first saw it about 200 yards from the spot. *It was coming at a strong rate, but the fire was flying out of the metals from the breaks being pressed upon the wheels, and the engines being reversed.* As the engine was coming up, I called upon the passengers to get out as fast as they could. On this some of them "tumbled out," without waiting to open the doors. *The engine of the luggage train immediately came up, and "smashed" the carriages to pieces, and the result was, this unfortunat gentleman was killed.* The first person I saw after the accident was Mr. Pattison lying dead on the line. When I first saw the fire fly from the metals, I should say the luggage-train was at the distance of 100 yards or more. I am sure the flashing of the fire could not have arisen from any other cause than the application of the break and the reversing of the engine. These are the only means that can be adopted for stopping an engine. I saw Watkins, the engine-driver of the luggage-train, at the Junction after the accident. He was perfectly sober. I never saw him drunk in my life. I have known him about a year and a half as an engine-man on this railway; he has been the overlooker of the engine-men since I have known him. I never saw anything like inattention or neglect on his part. I consider him a very careful and steady man. I have been about three-quarters of a year employed as guard. In my experience of a train, moderately laden, perhaps 10 carriages, they would be a

distance of 400 or 500 yards in bringing the engine from a regular speed of running to a dead stand, by applying the break and reversing the engine. When the engine was coming up, a man named Baines held up his lantern, which showed a red light. There were then three trains standing at the Junction—the York train, the Hull train, and the Leeds train. Nothing intervened to prevent the engineer from observing the light. It was not possible, I think, that the engine-man might have mistaken the light for one attached to an approaching train, at 200 yards' distance, if the line be straight. (The coroner doubted this fact, but it was corroborated by Mr. Stephenson, the engineer). The waiting engines were making such a noise by the letting off of steam, that it was impossible to hear the approaching train. But we heard the whistle after we saw the engine. I am not confident but that it might have been whistled before when farther off, but I did not hear it. We did not stay at the junction longer than usual. I do not know that we ever got away in less than three or four minutes.

John Baines—I am employed at Taylor's Junction. By the six o'clock train there was a clear red light burning. The passengers' train had been there about four minutes, when I heard another train approaching. I had a lamp in my hand at the time, and showed the red light. The train was then 300 yards from me. There was a carriage lamp lying down, and I seized it, and turned the light to the approaching train. On first seeing the train I cried to the passengers in the carriage to jump out. Several of them did so. Immediately afterwards the luggage train came in collision with the waiting train. By that collision two first and second class carriages were broken, and I then saw the unfortunate deceased laid dead. The distance from Taylor's Junction to Fryston Bridge is about 500 yards. I think I could see about 800 yards up the line, which is quite straight. I saw the red light at the end of one of the carriages after the collision. The glass was broken, but the light was still burning. In the train when it was approaching I saw a light from the ash-pan. I informed Reynolds there was a train

coming; he was standing beside me. *From the speed at which the luggage train was coming, it was evident that the act was either wilful, or the engine-driver had not seen the light—I thought the latter was the case. The lamp at the end of the carriage was visible, but I held up the other lights, thinking he had not seen that light. I think the engine-driver, if he had been looking for the light, could not have observed it, on that foggy night, above the distance of 200 yards: and in that distance he could not have stopped his engine and the carriages, though going at a regular rate, if he had used all the means in his power. The velocity was so great, that the carriages were driven forward, as nearly as I can tell, to a distance of 20 yards. At the time of the concussion the luggage train would not be travelling at above the rate of 10 miles an hour.*

Mr. Thomas Cabrey—I am the resident and managing engineer of the company. I am of course well acquainted with signal lights; the lights used on the York and North Midland line are equal to give the same degree of caution as on any other line. The best mode is by affixing a light to the end of the train, which is called “the tail light;” and is quite sufficient, if seen, to warn a following train of one being in advance. I believe it quite possible to see one of these lights at the distance of *three-quarters of a mile*. On a clear, dark night, it may be seen *one or two miles* off, in a straight line. I know the place where this accident occurred, and *I have no doubt the light might be seen 800 yards from Taylor’s Junction*, that being the length of the straight line. I am not aware that any better signal could be used. I do not think one more elevated would have been better on that particular night. I have known Watkins, the elder, upwards of 20 years. I have such confidence still in him that as far as myself is concerned I would as soon trust him as I would myself. He is a perfectly sober man, and on the night of the accident was entirely free from liquor. He has not gone with an engine since this accident. He has not been discharged, and I shall certainly recommend the company to keep him. He has six sons in the employ of the company.

three of whom are engine-drivers on the same line. I cannot account for the accident. I have seen instances in London of carriages running against each other during dense fogs—it cannot be avoided, though persons carry lights.

John Watkins, Sen., was then sworn.—I have been an engine-driver for the Company ever since the line was opened. I was with the engine attached to the luggage train at the time in question: it was the Zetland. There were five loaded carriages. I saw the passengers' train leave the depôt on the night in question; it left about 10 or 15 minutes before me. After I left Leeds I never came in sight of it until near the Junction. It is not usual to have a light on engines drawing luggage-trains, except the light from the ash-pan, but the passengers' trains carry theirs regularly. Perhaps such a light might be useful. I had a light with me at the time, but it was for the purpose of seeing the water and feeding the boiler. At Castleford station the white light was out, and I went briskly fast. The station-keeper made no observation to me. *At Burton Salmond a red light was exhibited.* I slackened the speed in consequence, and stopped directly opposite the station. I said "Do you want anything?" The reply was "Go on, go on." *He did not tell me that there was a train before me, and that I must be cautious.* When I left Burton, my thoughts were on coming to the Junction, and I looked out before me. As soon as I came round the curve at Farnley I could see the shade of *white lights* at the Junction. As I approached they appeared clearer. I was perhaps then 400 yards or 500 yards from the place. None of the lights appeared red; *my attention was directed to that circumstance.* Three small lights disappeared, and left *two larger and stronger white lights* standing. My mind then became settled that I was to go forward—that all was well—thinking I had nothing to do when I got to the points but to gently slacken the speed and go forward. *On a sudden a dark shade passed from a red light.* I immediately said to the firemen "*Turn to the break, there's a red light.*" He flew to the break, and myself to the engine. I changed the working of

the slide, and gave the steam the contrary way. *When the red light appeared I think I might be 140 or 150 yards from the light.* The rails being slippery by the fog, the engine and the break had not a sufficient power to stop the train until it came in contact with the other train. I did everything I could to prevent the collision. A foggy night would make a red light look dimmer, and therefore appear a lighter red.

. The Coroner (addressing the witness) said—Well, sir, the accident happened, and it was not in your power to avoid it?

Witness (evidently affected)—Oh, sir, it was not.

. T. Smith, the fireman, corroborated the evidence of Watkins, and said—Not an instant was lost after we saw the red light. Watkins whistled to the breaksman to put down the break, but *he said there was only a break on the first carriage, and he was riding on the last.* This was stated by him after the accident. The breaksman's name was Joseph Scott.

By the Foreman—There ought to have been a break on the last waggon.

Mr. Watkins was recalled, and one of the jurymen inquired in what distance, when going at a regular speed, he could bring the train to a stand?

He said that depended entirely on the weight of the load, the state of the rails, and the speed at which they are going, but they generally take off 300 yards from the place at which they stop; but with a light train and in dry weather, a train may be stopped in a distance of 100 or 150 yards. With such a train and in such weather as on Wednesday night, I could *have completely brought up in 200 yards, even without the assistance of any break on the carriages.*

By a Juror—It is not common to stop at the junction with luggage trains.

It being six o'clock, the inquest was adjourned until Saturday, at four o'clock in the afternoon.

It is a remarkable and lamentable fact that two other accidents have arisen on the same line this week. On Thursday, when the train was near York, a man named William Harrison,

employed as a porter and an occasional guard, was proceeding from one carriage to another, when his foot slipped, and he fell on the ground, and two of the carriages passed over him. He was immediately taken to the York County Hospital, where it was found that five wounds were inflicted on his head; and one of his arms and feet were so much injured that amputation was rendered necessary. It was reported in York this morning (Saturday) that he is dead.

On Friday, on the arrival of the train at the Oakenshaw station, *Bates, the guard, was found lying on one of the carriages in a state of insensibility, from injuries he had received. It is supposed that he had been occupied on the roof of the coach, with his luggage, and that his head had come in contact with the arch in passing through one of the bridges. He was left at the station, and medical assistance was sent for.*

These various and dreadful accidents have necessarily thrown *the city into a state of great excitement and alarm.*

The Foreman (W. Hemsworth, Esq.) said, "We find that Henry Pattison was accidentally killed, and we levy a deodand of £500. on the Zetland engine, the property of the York and North Midland Railway Company."

Liverpool and Manchester Railway.

AN ENGINE DRIVER COMMITTED TO PRISON FOR ONE MONTH, FOR DISOBEDIENCE OF ORDERS.

(From the Liverpool Courier.)

On Tuesday, the 24th instant, David Fletcher, an engine-driver in the employ of the Liverpool and Manchester Railway Company, was by order of the directors brought before John Formby, Esq., one of the county magistrates, charged with *disobeying* the regulations of the company in reference to the locomotive engine entrusted to his care: and the offence being proved, the magistrate, after observing on the necessity of *obeying*

and maintaining the regulations of the company for the safety of the public, convicted the prisoner in the mitigated penalty of five pounds, or in default of payment, to be imprisoned in Kirkdale Gaol for one calendar month. The prosecution was under Lord Seymour's act of last session, for regulating railways. It appeared that the company's regulations are printed, and are delivered to all their engine-drivers and servants, and a copy was proved to have been delivered to the prisoner, so that he was without excuse, and the punishment may be considered a very lenient one, probably owing to its being the first prosecution under this public statute, but we trust it will serve, as the magistrate observed, for a warning to others. This statute has vested in the magistracy summary powers of punishing, by fine, or imprisonment, with or without hard labour, any offences by engine-drivers and other servants of railway companies against the regulations of such companies, or any negligences whereby persons using the railway may be endangered in life or limb, or the passage of the railway obstructed.

Manchester and Leeds Railway.

CAUTION TO LABOURERS ON RAILWAYS, AND LIABILITY TO SIX MONTHS IMPRISONMENT.

(From the Manchester Guardian, November 25th, 1840.)

A man named Robert Pilling, a labourer on the Manchester and Leeds Railway, appeared at the Borough Court on Friday, charged with causing an obstruction on the line. He was summoned under the 3d and 4th Vic. cap. 97, sec. 13, by which any one employed on a railway neglecting or omitting to do any act whereby the life or limb of any person passing along the railway is endangered, is subject to a penalty not exceeding £10. or to imprisonment.—Thomas Jones, a guard employed on the line, stated, that as the ten o'clock train was coming in at the Manchester station on Wednesday, the defendant, who

who was paving with some other men, seeing the train coming up, removed a wheelbarrow from the line, *but did not remove it far enough, and one of the steps of the carriage upset it.*—Thomas Scott stated, that he saw the defendant move the barrow; he appeared to be stupified by the near approach of the train.—The defendant said, that, when he saw the train coming up, he was getting his pickaxe out of the way; but he was so terrified, that he did not know what he was doing.—Mr. Hall, the chief inspector of the line, said, he believed the defendant was a very steady man.—Mr. Maude said, that this was a case which they could not overlook. The lives of many persons were put in danger. *The defendant was liable to go to prison for six months;* but they should only inflict a penalty of five shillings and the costs.

Manchester and Leeds Railway.

A PLATE-LAYER NEGLECTING TO MAKE SIGNALS COMMITTED TO PRISON FOR TWO MONTHS.

(*From the Halifax Express, Nov. 28.*)

William Babbington, a person employed as a plate layer on the Leeds and Manchester Railway, at Mytholmroyd, was charged, under Lord Seymour's act, with *neglect of duty*. Mr. Higham, of Brighouse, appeared on behalf of the Company. He stated that the complaint against the prisoner, William Babbington, was that he had neglected his duty, as one of the Company's servants employed on the Leeds and Manchester Railway. He was what is called a plate layer, and if, *in raising a plate, he caused an obstruction or impediment to the carriages passing on the line, it was his duty to give a signal to the engine driver, so that he might stop before he got to the place, and go slower over it.* He would prove that the prisoner *knew that it was his duty to give such signal;* that he had had printed instructions given to him, instructing him as to what he ought to do; that he so raised the iron rails as to cause an obstruction; that at the time when the engine and train came up, *he gave no signal;* and that

consequently the engine was near upon being thrown off the rails. If the engine had not been going at a moderate speed, it would *undoubtedly have gone off the rails, and the consequences might have been serious.* Mr. Higham then read the clause in Lord Seymour's act, rendering any person convicted of a neglect of duty, liable to *a penalty of £10., or six months committal to the House of Correction.* Mr. H. then said that the prisoner had been furnished with printed instructions, which stated that if any obstruction were caused on the rails, it was the duty of the person by whom the obstruction was caused, to give a signal to the man who was upon the engine. The prisoner had, in this instance neglected to do so. There were three words in the clause, "wilfully, maliciously, or negligently;" and if he (Mr. H.) proved these facts, he apprehended that there would be no difficulty in his worship convicting. He (Mr. H.) had to press, on behalf of the railway company, that his worship would make *an example of this man, in order to deter others employed upon their works from offending in a similar manner.* If examples were not made of such parties, the company would not only be seriously inconvenienced, but the lives of the public would be endangered. Mr. Robert Forrester, overlooker on that part of the Manchester and Leeds Railway where the prisoner had been employed, deposed that the prisoner, who was a plate layer, had been furnished with *printed instructions informing him as to his duty.* These instructions were, that, if any impediment were caused in the road, he should place a *green flag* in the embankment, in order that the *engine driver might see it*, be thus warned of the danger, and go over the place slowly. The prisoner was furnished with a green and a red flag for the purpose of giving signals. The prisoner was a sort of "gangsman" on the line. Mr. G. R. Stephenson, an engineer in the service of the company, deposed that, on Tuesday last he was on the engine, from Sowerby Bridge to Hebden Bridge, and when about 700 or 800 yards from the place where the prisoner was employed, he *sounded the whistle, but no signal was put up.* The whistle might be heard at a distance of *half a mile.* He

could not say whether or no the prisoner was the man whom he saw at the spot. The engine went up very suddenly, and then went down very rapidly ; it was *almost a miracle that the engine did not go over*. The tender-man was near upon being thrown over. Mr. Forrester was here recalled, and he proved that the prisoner was the "gangsman" employed, on Tuesday, at the place where the obstruction was caused, without any *signal of that fact being given*. The prisoner, being asked what he had to say in defence, *did not deny the charge*, but he alleged that "he was at the work he did regularly." The magistrate said that the prisoner perhaps did not know, as he might not have heard of it, that there was a complete outcry from one end of the country to the other, as to the loss of life caused upon the railways ; and if the servants of railway companies were not made to know that they must attend to the instructions which were given to them, there would be no safety. It was evident, from what Mr. Stephenson said, that the engine made such a jump,—it first went up and then down,—that it was very fortunate the train was not thrown off the line. Mr. G. R. Stephenson here said that Mr. Gooch felt the shock. He was in one of the carriages, and when he got to Hebden Bridge he told him (Mr. S.) to go back and take the person into custody. The magistrate here consulted with Mr. Scott, the resident engineer, and then said that the company pressed for an example to be made, and what he had to look to was, the consequences that might have been the result of the prisoner's neglect. It was necessary to show the workmen along the line that they must attend to their duty ; and, under these circumstances, he could not do otherwise than *commit the prisoner for two months*. Mr. Higham said that, by a subsequent clause of the act of Parliament, his worship had the power to commit the prisoner to hard labour. The magistrate replied that he did not think it necessary to do that. *The prisoner was then committed for two months to the Wakefield House of Correction.*

**CAUTION TO SERVANTS IN THE EMPLOY OF THE MAN-
CHESTER AND LEEDS RAILWAY COMPANY.**

William Babbington, one of the plate layers, employed upon the line of the Manchester and Leeds Railway Company, near Mytholmroyd, in Sowerby, having negligently omitted to give a proper signal to the engine-driver of one of the trains, on its approach to the place where he was raising the iron rails, according to the printed instructions given to him, whereby the engine was in danger of being thrown off the rails, he was ordered into custody by one of the company's engineers, and conveyed before William Briggs, Esq., one of her majesty's justices of the peace, at Halifax, on Thursday, the 26th November inst.; and after the case was proved against him, he was committed to the House of Correction, at Wakefield, for two calendar months for his offence, and as an example to deter others from negligence or disobedience.

The company therefore give notice, to all their servants, that in all instances where negligence or disobedience is shown to any of the rules or regulations of the company, or any omission in the discharge of their several duties, such servants will be proceeded against with the utmost rigour; it being the full determination of the company to use the utmost caution in order to prevent accidents, and as far as possible to protect the lives and property of the public travelling upon the said railway.

28th November, 1840.

**ACCIDENT ON THE LONDON AND BIRMINGHAM RAILWAY.—
TWO MEN KILLED.—GROSS DISREGARD OF SIGNALS.—
A VERDICT OF **WILFUL MURDER** AGAINST
THE ENGINE DRIVER.**

The Directors request the *special attention* of their servants to this case, and particularly to the remarks of the Coroner, at the commencement of the investigation, by whom the law was clearly and forcibly laid down, showing that a heavy respon-

sibility rested upon every individual; and that disobedience to the orders and regulations of the Company may render the offender liable to be HANGED FOR MURDER.

(From the Sun, November 17th, 1840.)

(Extracts from the Evidence given on the Coroner's Inquest.)

Mr. Wakley in addressing the jury said, the inquiry they were about to make was most important. The casualty into which they had to inquire, had excited more than an ordinary degree of attention, and the excitement of the public respecting the inquiry was very great. But he was sure the jury would dismiss from their minds all they had heard about the accident; they would remember they had to act under the sanction of an oath, and give an impartial decision on the evidence which had been laid before them. For himself he had not read anything about the accident, and knew nothing of it. He would proceed to state the law relative to accidents. The law which had been laid down respecting accidents during the inquest which was held at the London and Southampton Railway was most dangerous, and he was anxious to disabuse the public mind on the matter. It had been said at that inquest that persons were not under the control of a coroner's jury, from accidents which might have been occasioned through their neglect of, or inattention to their duty. If this were the law it ought to be immediately altered; *but it was not the law, for when fatal results ensued through the non-performance of duties, that party neglecting the duties, was strictly responsible to the law.* If this were not the case, what would be the position of the railway directors? *Every person connected with a railway was responsible to the law, whether he was chairman of the directors, or merely a labourer on the line.* He had no doubt, and no hesitation in saying that where a party had been guilty of *gross neglect of duty*, so as to occasion the death of another, that party in the eye of the law, would be *guilty of murder*. If this were not the case, any person receiving notice of dismissal might out of revenge to the directors cause an accident, and so injure the

railway. Mr. Wakley went on to refer to a charge delivered by the Lord Chief Justice of the Pleas, in 1837, in which he laid down that any person driving *a carriage improperly, or negligently, or furiously*, and thereby occasioning the *death of another*, would in the eye of the law be *guilty of murder*. *He was most anxious that it should be known that the law was wide enough and strong enough to reach any man guilty of gross neglect of duty.* He was rather surprised to find that according to the law of deodand, no deodand could be inflicted on a man causing the death of another by misadventure ; but, if the death, for instance, was caused by a carriage belonging to another party, a deodand could be placed on that. This was a strange state of the law. He was sure the jury would investigate the matter which had been brought before them with the attention that it so imperatively demanded.

James Bradburn was called. He said, I am an engine-driver on the London and Birmingham Railway. I drive the engine No. 15 ; it has no name. I live in Camden Town. I was at the Harrow station on Thursday evening. I was giving a message to the clerk in doers : this was about ten minutes past. I heard the engines coming along. I was rather late in getting to my engine. I saw the engine No. 82 flung out of the road.

Coroner—Whom do you think is to blame for this accident ? *I blame Simpson, the dead engineer, who belonged to No. 82, for he did not shut off his steam as he ought to have done, and as the driver of No. 1 had done. I know Simpson did not shut off his steam, for I heard his engine beat as I came up. If Simpson had seen no signal to shut off, I admit he was not to blame. The driver of the first engine should have seen a red light a little way down on the line from a policeman, and next at the station. I saw the red lights at the station before I left my engine, and I thought all was safe.*

Coroner—What means has the driver of the first engine to warn the driver of the second that there is danger ? Witness—

His whistle. I heard no whistle that evening. *I am sure none was blown ; but the driver of the second engine could easily have seen the red light.* It is five years since I was first employed on the Birmingham line. I was first a ballast engine driver. I was perfectly sober the whole of Thursday. If we were caught intoxicated on or off the line, *we should be at once dismissed.* *We are all sure of this if drunk on duty,* but I am not quite sure about what they would do if they caught us off duty.

William Finch, a fireman attached to the engines No. 69 and 90—he was employed on No. 15 on Thursday, because No. 90 had broken down. When Bradburn went to the Queen's Arms to order bread and beer and cheese for 46 men at work on Woodcock-hill, he left me on the engine opposite the station, with orders to move away if I saw a train coming up. He did not say how long he should be away. He had left the engine and gone into the station-house several times that day before. The clerk at the station-house was with us the last time we came down. I had not been there more than two minutes when May the porter, said there was a train coming on. I moved on towards the bridge a little. May cried out again, "If you don't move on the train will be into you." I turned my head round, and seeing no chance of escaping if I remained on, I shut off the steam and jumped off. That was a dozen yards at this side of the bridge. *Before the train came up there were red lights hoisted at the station, and the policeman had raised a red light.* There was no light but that of the fire at the train. The collision then took place, and No. 82 was turned over with several of the waggons.

Martin Brown examined—I am an engine-driver on the London and Birmingham Railway, and reside at Wolverton. I had charge of engine No. 1, on the day of the accident, and came in front of the luggage train, in the charge of the deceased Simpson, from the Wolverton station—that is about 46 miles from Harrow. He started from Wolverton about a quarter before four o'clock. On our way up, one down train passed us. It was a passenger train. There was no light on

that train to warn us of any danger on the road. I think about six o'clock we came within from a quarter to half a mile of Harrow station. *I then saw that the red lights were up. I did not see them before, although I kept a good look out. I cannot account for why I did not see them before in any other way than there was a fog between us and the station. I saw no other signal but the red lights. I knew by that there was some obstruction, and I immediately gave a signal to the deceased Simpson, who had charge of No. 82 engine. The signal I gave him was by opening the valve of my engine. I repeated it once or twice, but I don't know whether Simpson saw it. He ought to have done so. I never sounded the whistle. The signal I gave was one of danger, and when I gave it Simpson ought to have shut off his steam, and reversed his engine, and used every other means to stop. I did so myself; but Simpson did not shut off his steam at all. If he had done so there would have been plenty of time after I gave the signal for us to have stopped before arriving at the Harrow station. We heard nothing whatever of a luggage train having broken down on our arrival at Watford. Having shut off my steam and reversing the engine, I had the break also put down by the stoker and kept a look out myself. As I approached Harrow station, I saw an engine on before me, but I could not tell if it was moving or not. As we approached nearer, a collision appeared to me inevitable, and I slung myself on the step of the engine and jumped off. I have seen both bodies of the deceased persons, and I can identify them as the bodies of Dawson and Simpson.*

By the Coroner.—*Simpson had charge of the train. I consider it no obstruction whatever to his sight that an engine and tender was before him. I speak from experience. In my opinion I could see the signals just as well in one engine as another.*

At this stage of the proceedings, it being five o'clock, the inquiry was adjourned till Thursday morning next, at nine o'clock.

George Adams examined—I am breaksman employed on the London and Birmingham Railway. I was with the train on

the night of the accident, and saw the signal of the *red light* about a quarter of a mile before reaching the Harrow station, and I instantly put on the break ; I also saw the policeman's *red light*, and heard him call out "*hold on.*" The policeman was about 250 yards from the station towards Watford. At the rate we were going I should have required a *signal from half a mile to three-quarters* to stop. The distance from the point to where the policeman stood is between 2 and 300 yards. (The witness then described the number of carriages of which the train consisted, and the incidents of its journey ; such as stoppages, &c.) He then proceeded as follows :—I had a conversation at Boxmoor with the deceased Simpson and Martin Brown, but *I was not informed of there being any obstruction on the line.* The first warning I had of danger was the policeman's light. The policeman was on the down line. I was standing on the right hand side of the last waggon. There was no other than the usual signal to give an alarm. When there is any obstruction on the line a red flag or lamp is shown. *When any accident has occurred on any part of the line it is customary to receive information of the same, on reaching the nearest station, from the officers on duty.* The signal-light at the station could be seen on a clear night for a mile. I carry a book, in which I put down the time the train arrives at each station. At the time when I first saw the policeman the train was going at about *25 miles an hour.* There is a station at Watford, which is about six miles from Harrow, but *I saw no signal of danger there. All the policemen I saw between Chiddingtton and the Boxmoor station, held a white signal, signifying all was right ;* but, on reaching Boxmoor, there was a red lamp shown, as they had a waggon to attach to our train ; but I did not take it, as there was another train close behind us.

By the Coroner—I heard the porter on the platform call out "*Hold on, hold on ;*" the break was down ; the first thing I saw was the engine roll over, and the train came to a dead stop ; the waggon which I was in was not thrown off the line, but ten

or twelve of the carriages went off; the first engine was not off the line; I was the first who saw the bodies of the deceased. Simpson was lying partly under one of the waggon belonging to the Midland Counties Railway; I can't say if Simpson had shut off the steam before the accident happened. The break was not of much use for the first mile, as the train was coming down hill. The engine that they ran against was the cause of the two men losing their lives. I knew Simpson ever since he has been on the line, which is about four months. He was a very fast driver, he ought never to have exceeded 25 miles an hour with goods. There was no fixed time for the train to have reached the station. Simpson drove faster than any other driver on the luggage train. I never complained of him to my employers, but I have often told him not to drive so fast, when he replied, "I always like to drive fast where I can go to get home. I never saw him intoxicated. I have been a breaksman about eighteen months. I had written instructions given to me, part of which direct that I was to report any misconduct on the part of an engine-driver.

David Peck, a policeman, No. 38, on the London and Birmingham Railway, at the Harrow station, was next examined at considerable length. His evidence was briefly this:—*There was plenty of time for the train to have stopped if the drivers of the engines had paid attention to my signal. At a rate of 25 miles an hour the train might have been stopped in a quarter of a mile, and before they arrived at Harrow station. In my opinion the cause of the accident was the great speed at which the two engines were driving, and no attention being paid to my signal. I never knew an engine-driver leave his engine as Bradburn did.*

Mr. John Bedford, superintendent of police in the London and Birmingham Railway, considered the notice given at this station quite sufficient to avoid danger of an accident by a break down a mile and three-quarters on the other side of it. He was of opinion, also, that had not the engine No. 15, been as it was upon the rail, a much more serious accident would have

happened, as no attention had been paid to the signals of the Harrow station. The engines and train would have come right into the carriages at Woodstock Hill, where forty or fifty men were at work, and he believed the loss of life would have been much more frightful. We were, moreover, expecting Bradbury's engine to return, and we should have thought it was that coming. *It is a peremptory order of the company that the driver of an engine shall stop at every station when the red signals are hoisted. I have had a report from this station of the driver Simpson's misconduct in driving past the stations without regarding the signals.* It was from the inspector, who is now dead, and was about two months back ; I transmitted the report to the chief superintendent, Mr. Bruyeres, and he (*Simpson*) was fined £1.

John Jones was then called, and examined as follows :—I live in Newton-street, New North-road. I am employed by Pickford and Co., the carriers. I am guard to the luggage-train. I was with the luggage-train on the evening of Thursday, the 12th instant, the night the accident happened. Brown and Simpson were the drivers of the luggage-train. *Simpson was the engine driver, and had the management of the train.* There were two engines. Simpson's was No. 82 engine. I was at the back of the last waggon. George Adams, one of the Company's breaksmen, was with me. I don't recollect the time we left Wolverton or Leighton. We stopped at Boxmoor, but not at Watford. I heard nothing at any of the stations of an accident having occurred at Woodcock-hill. I did not hear of it till some time after the accident had happened at Harrow to the train I was with. We were near the carriage-shed at Harrow before we heard them shouting "Hold on." The night was rather foggy, and we did not see the red light till afterwards. Adams put down the break as soon as he heard them shout out.

Mr. Wakley—Adam's statement was that he saw a *red light* 500 yards before he came to the policeman, who was about 300 yards from the station.

Witness—When a red light is seen by one, he generally com-

communicates it to the others. I have been two years employed on the line. I have never known a driver disobey the red signal, which is an order to stop. I can't tell whether the steam was shut off from the engines or not. The whistle is the noise we can best hear on the railway in case of warning. I never knew the noise of the train on the road to prevent me hearing it. I think the luggage train makes more noise than the passengers' train. When the steam is shut off, the waggons bump against each other, but I felt very little of that bumping. *I have often been with Simpson. I thought him sometimes rather a random driver. I never made any complaint of him, as it was not my business.* I saw Simpson's body under the carriage. I don't know the number of that waggon.

James Unsworth—I live at Wolverton. I am an engine-driver on the Birmingham Railroad. I was employed in driving an engine on the night the accident happened. It was a passenger train. We started from Wolverton eight or ten minutes past four o'clock. We stopped at Tring and Watford. We stopped at Watford because there was a train before us, but we do not usually stop there. It might be twenty-five minutes past five when we stopped at Watford. I heard of the accident at Woodcock-hill when we got to Harrow. I was told by one of the policemen. He said the luggage train was off the line about a mile or a mile and a half from the station. He desired me to cross to the other line. I was *stopped by a red light at Harrow. I saw three red lights there.* The first was about a quarter of a mile from the station—that was the policeman's light. The other two were one opposite the station, and the other on the near side. *I was half a mile off when I saw the first light. I was going about thirty miles an hour when I saw the first light.* When I got near the policeman I saw the other lights *I gave an alarm with the whistle when I saw the first red light.* I told the fireman to hold on the break, and shut the steam off. We stopped at the bridge. The engine was just the other side of the bridge. We could have stopped sooner, but the Aylesbury train was behind us. We went on

to allow it to stop at the station. The Aylesbury train stopped always at the Harrow station, but we did not. I could have stopped the train at the first signal where the policeman was stationed, if I pleased. If the guard saw the red light first he would put on the break, and we should soon feel that. I told the policeman to stop the Aylesbury train further down the line, till I had crossed at the points. That was as soon as he told me the luggage train was off the line. The policeman did so, and the Aylesbury train stopped about a hundred yards from the station. If I heard there had been any accident at Harrow, I should have come on very quietly. If I saw an accident on the line, I should stop at the nearest station, whether my train was to stop there or not, and give notice of it. The instructions he had received from Mr. Bury were to go gently in case of accident—to notice and to attend to all signals. He had been two years and a half an engine-driver. Before that he had worked with his father, a blacksmith. I was before that an extra fireman on the Manchester line. I had been out only three or four times. I had no other experience in the management of railways before I came on the Birmingham line. Was for seven or eight months acting as fireman on the Birmingham line. As fireman I had twenty-five shillings a week. I have £2 2s. as driver, and paid for Sundays extra. I can see the red signal a mile and a quarter from the station if there be no fog. The printed instructions now handed me were shown to me twelve months ago. There is another for signals, which I had also.

Richard Parker—I live at Chalk Farm-lane. I am foreman of the locomotives at the Camden station. I went up to the place where the accident occurred, at Woodcock-hill, as soon as information reached the Camden station. I went to assist in getting the carriages off the line. I got there about half-past three o'clock. The cause of the accident was one of the wheels breaking. I don't know which broke first—the wheel or the axle-tree, but there were both wheels and axles broken. There are two makers of wheels, Hague and Gordon, both very much

alike ; but I cannot say which maker the wheel belonged to. *They are cast-iron wheels.* I think it was a wheel broke first. *I never knew a wrought-iron wheel to break.* The person who gave me information of the accident was the driver of the train, a portion of which had broken down. The driver brought the remainder of the train to London. The wheels have round spokes and are hollow.

Charles Callan—I live at Aylesbury. I am driver of the Aylesbury train on the London and Birmingham line. I have been there since the opening of the line to Aylesbury, about a year and a half ago. Before then, I was on the Manchester and Liverpool line for eleven years. I have been connected with engines ever since I could work. I was employed by Mr. Bury. The signals are the same as on the Liverpool and Manchester line. Red, a dead stop ; green, slowly and cautiously ; and white, all right. I had printed instructions from the London and Birmingham Company. I left Euston-square with the Aylesbury train at three o'clock. I had not then heard of the accident at Woodcock-hill. I saw the luggage lying across the up line. I was on the down line, on which there was no obstruction, and went slowly by. Mr. Bedford held up a red signal when I had passed the place of the accident. He was coming down the line. *I have never met with an accident, although I have been on the line since its opening.* I stopped when I saw the red signal. Mr. Bedford came up and desired me to tell the policeman at the Harrow station that when the cattle train came up, if it came immediately, to turn it on the down line. If not, they were to make it wait. I told the clerk at Watford that the luggage was broken down. I never had instructions to give an alarm at all the stations when an accident occurred. It was no part of my duty to give information at any of the stations except Harrow. The clerk at Watford, Mr. Pigon, said he would stop the next up-train. I never had orders not to mention accidents when I saw them on the line. I consider myself the servant of the company. Mr. Bury is our superintendent, and his clerk pays us. I can hear the

whistle ; but at night sometimes, when the wind is very high, we cannot hear the whistle. We use the whistle at all the stations.

Edward Bury—I reside at Liverpool, I am superintendent of the locomotive power on the London and Birmingham Railway. I have held that office from the commencement of the undertaking. The engines are the property of the company. The luggage waggons and carriages also belong to the company. The Grand Junction carriages also travel on the Birmingham line. The engines and tenders of No. 82 and No. 1, which Simpson was driving when he was killed, belonged to the Birmingham company. The company, I believe, can be sued by their secretary. The locomotive power is not in the possession of trustees, but of the directors. The cost of No. 1 engine was £1,150., and £180. for the tender, making £1,330. ; the value of engines has risen since then, the engine is very little injured, but the tender is a good deal damaged. The cost of No. 82 engine was £1,250., and £180. for the tender, making £1,430. The same engine would be now worth £100. more, and the tender of 82 is a good deal damaged. The company do not contract for their steam power, they are their own property. I was in Liverpool when the accident occurred. I am employed at a salary, and hire all the firemen, engineers, and persons connected with the locomotive power. I engaged Joseph Simpson, Martin Brown, and James Bradburn. Simpson applied to me in July last at the Camden-town station. He brought me a character from Mr. Hall, engineer of the Newcastle and Carlisle Railway Company, stating that he had been two years and a half employed as fireman and engineer on the line. I wrote to Mr. Hall, as I never take written testimonials ; and, on the 24th July, I received an answer from Mr. Hall, in which he again stated that “ Simpson had been employed on this railway two years and a half, as fireman and engineman to locomotive engines. He has had full charge of several of our engines, and latterly one of our quick-train engines, which he managed very well.” Simpson was a very respectable, decent man. There

is no doubt he was the person he represented himself to be. He was then taken on the Birmingham line. *I had a complaint at one time that Simpson passed the station without attending to the proper signal to stop his train.* He was in consequence fined a sovereign. I was at the time in Liverpool, and when I returned he came to me and complained of the injustice of being fined without hearing his defence. In consequence I wrote to Mr. Bruyere on the subject, as he represented to me that there was no signal, and that the police were in fault and not himself. A clerk was sent down to Harrow to take the evidence, and that of the cattle-drover who was in the train at the time. The fine was not remitted. *The two greatest crimes of which an engine-driver can be guilty, are drunkenness and a neglect of the red signal.* The officers of the line are always endeavouring to impress upon the engine-drivers, and other servants of the company, the great importance of attending to the red signal. *The great secret of the management of railway trains is attending to the red signal.* I do not know whether the conduct of Simpson, and the fine of a sovereign imposed upon him, were reported to the Directors. I do not know another instance of neglect of the red signal except one, and that was followed by the suspension of the party. I think a warning to the eye of more importance, and more likely to attract notice, than one to the ear. In the accident at the Harrow station, none of the wheels of engines or tenders were broken.

The evidence taken in the case of Simpson was then read. It consisted of the depositions of the policeman and porter, *both of whom distinctly avowed that the red signal was shown when the train was a quarter of a mile from the station,* in consequence of a bullock being seen to hang over one of the waggons—*that the driver (Simpson) paid no attention to it, although repeatedly hailed,* and shortly after the train had passed the bullock fell.

Mr. Bedford was re-called, and asked whether Bradburn *was guilty of a breach of his duty in leaving his engine, and going to the house for refreshments.* He said he certainly was. He

had not a thought of his leaving his engine. If Bradburn understood he was to have gone himself, he should have put the engine in the siding. I cannot recollect the precise words I said to him.

Mr. Wakley said the only other witness they had to examine, was Quinlan, and he understood from Mr. Hewlit, the surgeon in attendance, that he was not in a state to give any evidence as to the transaction. He was mending rapidly, and would in a few days, he hoped, be able to state all he knew of the matter.

After a good deal of discussion, it was arranged that the inquest should be adjourned till Wednesday next, at six o'clock in the afternoon.

The proceedings terminated at half-past four.

William Quinlan was then examined—I have been employed as a stoker or fireman about two months on the London and Birmingham Railway. I had been for two years before in the employ of the company, and worked in the sheds belonging to them. Latterly I have been fireman to Simpson. I was with Simpson one day in the month of September last, when a bullock jumped over one of the cattle waggons by the train. The bullock fell over on the line, and lost his horns by the occurrence, but was not killed. No other accident happened during the time I was with Simpson as fireman, until the late fatal one near Harrow station, except that on one occasion *a red board was put up between the rails at the Harrow station for Simpson to pull up, but he did not do so.* This was after the bullock affair, but I cannot say how long since. The board upon that occasion was raised in height about *five feet.* *In our progress we knocked it down into the ash pit of the line at the station, and passed over it.*

Coroner—Did not Simpson stop at all, in compliance with such a signal as you have described? Witness—Yes, he did; *but he did not pull up until after we had passed over it.*

Coroner—Do you remember anything about leaving Wolverton on the afternoon of Thursday, the 12th of last month?

Witness—Yes, I do. I set out from Wolverton for London

with Simpson, Joseph Dawson, and Martin Brown. Martin Brown had charge of engine No. 1, and Dawson was with him. I was with Simpson on No. 82 engine. The train was attached to our engine, and engine No. 1 was immediately in front of us, and attached to the same train. I do not remember who the breaksman of the train was that night. Sometimes we do not know whether or not we have a breaksman, or who he is, until we come to a station. We seldom know the name of the breaksman. Upon the day on which the accident happened we left Wolverton between twelve and one o'clock in the afternoon, and we stopped successively at the Leighton, Boxmoor, and Watford stations. On our arrival at Boxmoor station, the policeman on duty there told us to go on to Harrow station. He made that observation to Simpson.

Coroner—Did Simpson make any remark when those instructions were given to him? Quinlan—He made no remark in my hearing, but he became flurried and angry with the policeman because he had stopped him.

Coroner—What did the deceased, Simpson, say to you about this caution after you started from Boxmoor? Quinlan—He said nothing at all to me about it.

Coroner—Did you, after that, stop at Watford? Quinlan—I think we did, but I will not be quite positive.

Coroner—Do you recollect anything that transpired after passing Watford station? Quinlan—I remember that I saw the red signal above half a mile before reaching Harrow station.

Coroner—Did Simpson say anything to you when you saw it? Quinlan—No; but I told him I saw it, and cautioned him to let the steam off.

Coroner—Did he do so? Quinlan—Yes, he turned it off until he got it down to about an inch, in which state he continued to keep it. The full force of the steam is four inches in depth, so that at this time Simpson let off three-fourths of the power of his engine. I am positive he kept about an inch of the steam on all the time.

Coroner—Did Martin Brown, of No. 1 engine, give you any

signal? Quinlan—*Yes, by lifting the valve, which he continued to do as we approached Harrow.*

Coroner—Do you know if Brown turned the steam of his engine off? Quinlan—*Yes, I am quite sure that he did.*

Coroner—Did you feel any bumping of the train owing to such a circumstance? Quinlan—*We felt the bumping of Brown's engine against ours, but not any bumping of the train.*

Coroner—At what rate were you going when you first saw the red signal at Harrow station? Quinlan—*I think at about 25 miles an hour.*

Coroner—Did Simpson tell you why he did not let off his steam? Quinlan—*He did not; and although he let off three-fourths of it, the fourth that remained was enough to keep the waggons in full swing, as, from the point where the red light was first seen, the line was all down hill.*

Coroner—Could you have stopped at the Harrow station with so much steam as one inch on, and going at such a rate as you have stated? Quinlan—*I am sure it was quite impossible.*

Coroner—When Martin Brown lifted the valve of his engine, thereby giving a signal to Simpson, did Simpson make any observation? Quinlan—*I cannot recollect what expression he made use of, but he hallooed out. If he had then said anything I could not have heard him.*

Coroner—When you saw the red light continuing up at the station, and the train still going on, did you speak again to Simpson? Quinlan—*I did; I told him a second time to let all the steam off, but he took no notice of me whatever, and did not do so.*

Coroner—Did you observe whether he saw the signal light or not? Quinlan—*Yes, he looked straight forward at it.*

Mr. Rotch observed that to do so Simpson must have gone to the side of the engine.

Coroner—Do you recollect passing the policeman as you approached the Harrow station? Quinlan—*I do perfectly well. He hallooed to us to "hold on."*

Coroner—After you had passed the policeman and came to-

wards the Harrow station, do you recollect that Simpson did anything or said anything to you? Quinlan—He neither said nor did anything.

Coroner—What then did you do? Quinlan—I perceived that we were coming close upon an engine, I believe Bradburn's on the line before us, and thinking there was not a moment to be lost, I shifted to the other side of the engine and jumped off.

Coroner—Did you say anything to Simpson before you found it advisable to jump off the engine? Quinlan—I said to him it is time for us to be jumping off now, but he said nothing whatever to me in reply.

Are you quite sure that Simpson made no alteration in the moving power of the engine, as you were passing the Harrow station?—*I am sure that he made no change whatever.*

Did you hear the valve lifted up?—No, not the valve of our engine, but of Martin Brown's.

Are you quite sure that Simpson saw the red signal light time enough to have pulled up before arriving at Harrow station?—*Yes. We might have come in quite easily and comfortably.*

What kind of a driver was Simpson?—*He used to run very hard, seldom or ever looking before him.*

Was he attentive to signals?—*We had often the red light shewn to us at the stations to put on waggons, but he would not pull up unless halloed to, and then he would work the engine back.*

Did you know whether any complaint was ever made to the superintendent against Simpson?—Yes. I know that he was complained of when the bullock jumped out, but I do not recollect any other complaint.

A Juror—When at Hitchin-bridge, can you see the lights at Harrow station? Quinlan—Not until we have passed through it.

But is there not generally a signal-light at Hitchin-bridge, near Pinner Park-gate?—There is not a light fixed there, but there is generally a man there who has a light. He was not
 night of the accident or I must have seen him.

Juror—I wish to direct your attention to this important point, Mr. Coroner. The man who should have been at Hitchin Bridge when the witness passed with Simpson, was in fact taken away and sent to the breakdown at Woodcock-hill, and after this accident he was sent back to his former post at the bridge. It is now a question between the policeman attached at this station and the late driver Simpson, whether the signal was hoisted the day of this accident, and the one when the bullock fell over. Do you remember anything about it? (addressing Quinlan.) Quinlan—I saw nothing of it myself.

Coroner—Was Simpson sober on the evening of the last accident? Quinlan—*He was sober.*

Quinlan—Was he at all deaf? Witness—*No, he was not.*

Another Juror—Had he good eyesight? Quinlan—*He had to the best of my belief.*

This being the whole of the evidence,

The Coroner summed at great length, made some *severe remarks on the conduct of Simpson, the driver*, and concluded by saying—He was sure the jury would not fail to return a verdict which would impress on the minds of all persons connected with railways, not only what the law was upon this subject, but also what great and weighty responsibilities the servants of railways would incur *by disobedience of orders, or disregard of those obligations which have been imposed upon them by the duties of their station.* With these remarks he would leave the case in their hands.

The Jury retired for about three hours, and finally returned the following verdict—“ We find a verdict in the case of *Wm. Dawson, Wilful Murder against Joseph Simpson*; and in the case of *Joseph Simpson, Felo-de-se.* We impose a deodand of £2000. on the engine and tenders, No. 15 and No. 82.”

Mr. Rotch, the foreman, then read the following observations of the Jury :—“ The Jury cannot conclude their labours without expressing their surprise and regret at the manifest inefficiency of the executive of the company as connected with the matters that have come before them in this inquiry. The

directors seem to have passed and printed many excellent rules and resolutions, which have been neglected to be carried out and enforced, while in some instances printed instructions have been given to a class of men unable, for want of education, to read them ; and in some cases persons appear to have been put on as drivers of engines, having the whole conduct of their ains, without being duly qualified for the purpose.

“ The Jury consider great blame is attributable to the directors for continuing in their service *such a reckless driver as the unfortunate man Simpson* ; and they are forcibly struck with the ignorance of the executive of the numerous acts of disobedience and wanton carelessness on his part, which have been produced before them in evidence.

“ Considering the immense importance to the public of safe conduct in a mode of conveyance over which they are deprived of all control, or, when in motion, even of the power of remonstrance or complaint, and are entirely at the mercy of the engine-driver, the Jury feel the public have a right to expect that some person of superior education and attainments as an engineer should be appointed as a captain of each train, to proceed with it and conduct it to its final destination. The night signals are evidently insufficient, and yet no efficient means seem to have been adopted to improve them, while it is evident that no security can be attained until a means of communication between the guards and the engine-drivers is established. To all which matters the Jury feel it is the bounden duty of the Directors to turn their immediate and earnest attention.”

TO THE EDITOR OF THE SUN.

SIR,—As a reader of your invaluable paper to a parlour company in this city, I have taken the liberty of intruding a remark upon the late accident upon the railway at Harrow, which I should not have done, had I not known the parties, Simpson and Dawson (who came to their premature death by the above), from their infancies. *They were both apprenticed to the glove cutting, which occupation they followed until a short*

time previous to getting a situation on the railroad. I therefore think publicity should be given to the above, as a warning to the public; for I make no manner of doubt there are many engineers, on the different lines of railway, who, when some branches of their trade were depressed (as the glove trade is), were glad to get any situation for a livelihood. But, for the public safety, none but an experienced engineer should be the driver of a railway locomotive, for, in the above instance, you might as well have taken a man from the plough, as the parties in question; but I suppose the railway proprietors can make engineers, after a few lessons, similar to the numberless scribes who teach the art of writing in six lessons, for £1 1s. It is time this was put a stop to, instead of suffering the lives of the community to be placed in jeopardy, in a train with an unskilful driver. By inserting the above, you will oblige, yours respectfully,

THOMAS PRITCHARD.

Worcester, Nov. 22, 1840.

Eastern Counties Railway.

A PERSON COMMITTED TO PRISON FOR SIX MONTHS AND
FINED £5., FOR MEDDLING WITH A LOCOMOTIVE ENGINE.

Extracts from the Evidence given on the Coroner's Inquest.

Josiah Thorrowgood, a person described as an auctioneer, was indicted for having on the night of the 22nd of September last, wantonly and mischievously entered upon the Eastern Counties' Railway at Brentwood, in the county of Essex, and there having *turned on and applied the steam to a certain engine of the Company, and put it into motion, without any control or guidance, and caused it to proceed along the line of the Railway, whereby the lives of her Majesty's subjects were endangered.* There were several other counts stating the offence in different ways. The defendant pleaded not guilty.

Mr. James, who came down especially for the Eastern Counties' Railway Company, stated, that this indictment, though of a novel description, was one which he thought the Company would have neglected their duty to the public had they not instituted. The offence was one which there could be no doubt amounted to a misdemeanor at common law ; any act done by a party calculated to endanger the lives of her Majesty's subjects amounted to such an offence, and the learned counsel then cited various cases and authorities, from which it appeared the keeping of gunpowder mills, from the mere liability of danger to the neighbourhood, was a nuisance, and indictable as a misdemeanour ; and another case arose from 1st Russell on Crimes, in which it appeared that a man had been indicted for allowing a mastiff, which was known to be of a ferocious disposition, to be at large in the public streets ; and upon the principle to be derived from this and various other authorities, into which Mr. James went at some length, it appeared that this offence, if proved, was indictable. The facts of the case, as stated by the learned counsel, appeared to be these :—That between twelve and one o'clock on the morning of the 22nd of September, one of the engines which had during the evening come down from London with the train, was "scotched," as it was termed, and made stationary at the terminus at Brentwood, but sufficient steam was left in the machine to propel it if turned on. The men in the night were alarmed by a whistle proceeding from the engine, and on going to the spot found it proceeding, very fortunately, in the contrary direction to London ; but it had come into collision, and had dashed to pieces a horse carriage and a coal truck, and these had impeded its course. The prisoner, who had evidently been thrown from the engine by the collision, was found upon his hands and knees upon the line of railway, and upon being questioned as to the right he had to be there, and what he had been doing, he said "that he had tried to reverse the engine ;" the effect of which would have been that it would have proceeded at a frightful rapidity towards London, and must have caused, the learned counsel stated, most serious loss of lives ; for at

that time between 20 or 30 men were at work at the very spot that it must have passed. Mr. James went on to state that the company were at a loss to imagine what motive, besides the *most mischievous and wicked one*, could have induced this act upon the part of the prisoner. The railway companies had quite sufficient to do by the exercise of the greatest skill and foresight to prevent accidents, which are to a certain extent, where so vast a power as steam is applied, inevitable, but it was too bad they should also bear the odium of every wicked attempt to increase the dangers which are attendant upon such acts as these.

It appeared by the evidence that at the distance of two miles-and-a-half from the spot where the engine was set in motion by the prisoner there was a gang of from thirty to forty men at work, and the witnesses, whose duty it is to attend the engines, deposed that after the prisoner had turned the valve of the engine and applied the steam, it would have, had it not been impeded by the collision, proceeded to that spot at the rate of *fifty miles an hour, and must have killed many of the workmen, the night being a very dark one, and the men being engaged on the rail on which the engine would have run*. When the prisoner was apprehended he appeared, as the witnesses described it, either to have been stunned by his fall from the carriage, or to have been intoxicated ; but he must, at all events, have had a most narrow escape from being killed.

The case was summed up by the chairman, and the Jury, after a very little hesitation, returned a verdict of *guilty*.

Mr. James wished the court to be informed that it was not the desire of the company to press for a severe punishment upon the prisoner, but that they must have their property protected from wanton acts of this kind, and that some punishment must, for the sake of example, be inflicted for such an offence.

The Court then intimated that they had intended to pass a much more severe sentence, but that, in consequence of the intercession of counsel, they should award that the prisoner be imprisoned in the public gaol of the county *for six calendar*

months, and at the expiration of that period pay a fine of *five pounds* to the Queen.

This case appeared to excite considerable interest in the county. The prisoner was apparently a respectable man, and it was said by persons in the court that he must have been intoxicated at the time he committed the act.

